

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20281-2015

Date of decision : 13.08.2015

Parshant Sagar

.....Peittioner

Vs

State of Punjab

.....Respondent

Coram : Hon'ble Mr. Justice Naresh Kumar Sanghi

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present : Ms. Himani Kapila, Advocate
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

Mr. K.B. Raheja, Advocate
for the informant.

NARESH KUMAR SANGHI, J. (oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Parshant Sagar who has been booked for having committed the offences punishable under Sections 307, 406, and 498-A, IPC, in a case arising out of FIR No. 15, dated 16.04.2015, registered at Police Station Women Cell Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that during investigation Section 307, IPC, has been deleted. *De facto* informant, Neha, i.e. wife of the petitioner, is a Post Graduate and it was not possible for the petitioner or his family members to maltreat or administer poison as alleged by her; averment in the FIR with regard to her beating is also concocted one; and that all the alleged dowry articles have already been taken away

by Neha from the matrimonial house. He further contends that the petitioner has already joined the investigation and cooperated with the Investigating Agency.

Learned counsel for the State, on instructions from ASI Ajai Singh of Police Station Women Cell Ferozepur, very fairly concedes that the petitioner has already joined the investigation and his custodial interrogation is not required, however, certain dowry articles remain to be recovered from the petitioner.

On a specific query of this Court the learned counsel for the State concedes that during interrogation the petitioner disclosed that almost all the dowry articles were taken away by his wife Neha and whatever remained with him was handed over to her.

Learned counsel for the informant submits that nothing was taken away by Neha from her matrimonial house. All the dowry articles are lying at the house of the petitioner. However, he submits that a double bed along with mattresses was returned to her. He further submits that the petitioner and his mother had attempted to commit murder of the petitioner by administering poison to her. He further points out that notice of motion was issued for the limited purpose of reconciliation by the parties. He prays for dismissal of the petition.

I have heard the counsel for the parties and with their able assistance gone through the material available on record.

It is a conceded position that Section 307, IPC, has been deleted during investigation. As per the petitioner, all the dowry articles have already been taken away by his wife Neha. Mother of the petitioner has already been granted concession of anticipatory bail. As per counsel for the State, the petitioner has joined the investigation and his custodial interrogation is not required. However, the only ground on which the State has opposed the grant of bail is that certain dowry articles still remain to be recovered. However, it was conceded on the query of the Court that during investigation the petitioner had disclosed that all the dowry articles were returned to Neha. Though initially notice was issued for a limited purpose to explore the possibility of compromise of the matrimonial disputes but during hearing, this Court considered that the present petition be decided on merits, therefore, elaborate arguments have been heard.

In view of the totality of facts and circumstances of the case, it appears that custodial interrogation of the petitioner is not required in the present case and, as such, the present petition is accepted. The interim directions issued vide order dated 22.6.2015 are made absolute. The petitioner shall continue

to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

The litigation expenses deposited by the petitioner be paid to Neha, wife of the petitioner, as per norms.

(NARESH KUMAR SANGHI)
JUDGE

13.08.2015
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